

# Hazardous Waste Connection

## Compliance Information for Generators in Kansas

Summer/Fall 2001

Vol. 5, No. 2

### INSIDE

Director's Notes .....	2
Salvage Yard Initiative .....	2
FOCUS ON...Generator Violations .....	3
Upcoming Events .....	4
We're Moving .....	4

## BEWARE OF THE DOMINO EFFECT

by Roger Carman

We're all familiar with the domino trick of standing a bunch of dominoes on end in a row or in a really cool pattern and then pushing the first domino over and watching the rest fall helplessly one after another. Unfortunately the same thing can occur with hazardous waste violations. One violation commonly leads to several more violations. A careless mistake may result in a costly cleanup or a penalty or both. This is what is referred to as the Domino Effect.

As an example, a landfill operator noticed that a few drums of waste had been brought to the landfill by Company A and dumped with their regular trash. The landfill operator reported this to KDHE. A KDHE inspector conducted an inspection and determined that Company A was a Kansas Generator. The company generated the waste but failed to determine whether or not it was a hazardous waste. At the facility, the waste was placed in unmarked open drums and was then loaded onto a company truck and taken to the local landfill by company personnel. The waste was determined to be an F-listed hazardous waste.

**As a direct result of this "failure to determine", the following violations were cited:**

1. Failure to determine whether or not a waste is a hazardous waste.
2. Failure to notify KDHE of the waste code for the waste.
3. Illegal disposal of a hazardous waste at a facility not permitted to receive the hazardous waste.
4. Transporting hazardous waste without using a manifest.
5. Failure to register as a hazardous waste transporter.
6. Failure to prepare a Land Disposal Restriction Notice.
7. Failure to mark containers of hazardous waste with the words "Hazardous Waste"
8. Failure to mark containers of hazardous waste with the accumulation start date.
9. Failure to store hazardous waste in closed containers.
10. Failure to conduct and document weekly inspections of the hazardous waste containers.
11. *Failure to train employees with the proper waste handling procedures.*

If the waste had been of sufficient quantity to cause Company A to be reclassified as an EPA Generator, additional violations could have been cited including, but not limited to:

12. Failure to prepare a contingency plan.
13. Failure to prepare, implement, and document a formal hazardous waste training program.
14. Failure to implement prevention and preparedness measures.
15. Failure to notify as an EPA generator.

But this is not the end of the Domino Effect. Company A's expenses and liabilities could have been higher if the landfill had not noticed the drums and

*(Continued on Page 2)*

### Hazardous Waste Connection



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[www.kdhe.state.ks.us/waste](http://www.kdhe.state.ks.us/waste)



# Do Violations Always Lead to Penalties?

*By Bill Bider, Director, Bureau of Waste Management*

This issue of the Hazardous Waste Connection lists the types and number of violations observed during hazardous waste inspections conducted over a 12 month period. A total of 907 violations were reported in the nearly 280 inspections performed over this period. The average number of violations per inspection is about 3; however, the number ranges from 0 to about 20. Even though some inspections identify no violations, a typical inspection will usually turn up a few violations, most of which are minor in severity.

The Bureau of Waste Management (BWM) Penalty Assessment Team reviews inspection reports to determine whether formal enforcement actions are appropriate, including the assessment of penalties. Out of these nearly 280 inspections, only 16 were recommended for a penalty. This fact along with the common identification of violations shows that the large majority of inspections where violations are observed are not penalized. Instead, KDHE staff see their primary goal as working with businesses to bring them into full compliance in a timely manner to minimize environmental impacts and risks.

But there is a place for penalties in an effective enforcement program. Without the threat of penalties for non-compliance, some businesses may see no incentive for implementing in-house environmental compliance programs. The BWM hazardous waste penalty policy includes three major violations for which penalties are always assessed. They include: (1) illegal disposal of hazardous waste; (2) treatment of hazardous waste without a permit; and (3) storage of hazardous waste for longer than 90 days without a permit. Other situations which raise a "red flag" and increase the probability that a penalty will be assessed include a large number of minor violations and a history of non-compliance at the facility. Also, a business which appears to have little or no support from its upper management to train its employees and commit resources for compliance activities is a likely candidate for a penalty.

In summary, if you receive an inspection and only minor violations are found, and your business has a good compliance history, you can feel confident that KDHE's enforcement goal will be to bring you back into compliance rather than issue a fine. But, if we find the same violations in a return inspection, perhaps a year or two later, the probability for a penalty increases significantly.

*(Continued from Page 1)*

diverted them from the active disposal area. Company A was required to remove the waste from the landfill and properly dispose it. In this case, the waste was removed by the company personnel under the direction of KDHE and returned to the facility. However, the company could have incurred many additional expenses if the waste had contaminated a portion of the landfill's disposal area. The removal of the contaminated waste in most cases would require the services of a hazardous waste contractor who would use specially trained and equipped personnel to remediate the area, and these services are usually very expensive!

Last, but not least, KDHE's policy is to take enforcement action in cases of illegal disposal. KDHE could impose an administrative penalty of up to \$10,000 per day per violation. KDHE would consider all the violations stemming from the original failure to determine. Remember, this violation was the first domino in the row!

In conclusion, each hazardous waste generator should thoroughly assess the adequacy of their hazardous waste program. A simple mistake may result in a costly and unwanted Domino Effect.

## ***Kansas Salvage Yard Initiative***

*by Mary Bitney*

KDHE, the Kansas Automotive Recyclers Association and the Kansas State University's Pollution Prevention Program are teaming up to bring compliance assistance workshops to the Kansas salvage yard businesses. The workshops will give owners and operators specific information about actions needed for the salvage yard business to be in compliance with the various environmental regulations. Workshop locations and dates are on the back page of this newsletter.

Attendees of the workshop will also be eligible to sign up for a compliance assistance visit by KDHE inspectors. This free visit will consist of a multi-media screening to identify potential violations. The facility will be told what steps they need to take to correct the potential problems and will be given a grace period to make the corrections. The data collected from the multi-media screenings will be used to identify common compliance problems at salvage yards. This information will be shared with industry to enable all parties to focus resources on the critical problem areas.

The grace period will only be available to those businesses that volunteer to participate and only for a set time period. Salvage yards that choose not to participate in this initiative will be first on the list for unannounced, routine inspections after the grace period is over.

# FOCUS ON..... Hazardous Waste Generators and Violations



By Linda Dale & David Branscum

*Below are common violations cited by KDHE waste inspectors during the 2000 State Fiscal Year. Check it over. How did your facility do? Take this list and compare it to your site's current compliance condition. Will your site contribute to the totals shown on this table during the 2001 State fiscal Year?*

## Common Violations by Hazardous Waste Generators July 1, 1999 through June 30, 2000

Type of Violation (Number of Inspections)	EPA Generator (65) # and %	KS Generator (154) # and %	SQ Generator (60) # and %
Hazardous Waste Container Not Closed	38 and 15%	38 and 7%	2 and 2%
Contingency Plan	35 and 13%	0	2 and 2%
Storage Container Not Marked "HW"	24 and 9%	63 and 11%	<b>14 and 17%</b>
Training	23 and 9%	32 and 5%	2 and 2%
Weekly Inspections Not Documented	19 and 7%	17 and 3%	9 and 11%
Failure To Determine	17 and 6%	15 and 3%	5 and 6%
No Accumulation Start Date	17 and 6%	33 and 6%	3 and 3%
Update/Submit Notification	17 and 6%	78 and 14%	10 and 12%
Illegal Disposal	16 and 6%	22 and 4%	2 and 2%
Storage Container Not Marked "Used Oil"	12 and 5%	34 and 6%	9 and 11%
Multiple Satellite Containers	9 and 3%	4 and <1%	0
No Weekly Inspections	7 and 3%	26 and 4%	4 and 5%
Pre-Shipping	5 and 2%	14 and 2%	2 and 2%
Hazardous Waste Storage Containers Not in Good Condition	4 and 2%	6 and 1%	1 and 1%
Storage >90 days	3 and 1%	1 and <1%	0
Satellite Container Not Moved to Storage in Three Days	3 and 1%	2 and <1%	0
Satellite Container Not Near Point of Generation	3 and 1%	2 and <1%	0
Record Keeping	2 and 1%	43 and 7%	13 and 16%
Aisle Space Inadequate	1 and <1%	2 and <1%	0
Secondary Containment	1 and <1%	4 and <1%	0
Failure to Clean Up Used Oil Spill	0	3 and <1%	0
Illegal Disposal - Used Oil	0	0	2 and 2%
<b>Inadequate Emergency Information</b>	<b>0</b>	<b>132 and 23%</b>	<b>0</b>
Total Violations (907) / % of Total Violations	256 / 28%	571 / 63%	80 / 9%

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## Upcoming Events

### Salvage Yard Workshop Dates and Locations

*September 18, 2001* - **Hutchinson, Kansas**

*October 16, 2001* - **Chanute, Kansas**

*October 17, 2001* - **Kansas City, Kansas**

*October 18, 2001* - **Junction City, Kansas**

*October 30, 2001* - **Hays, Kansas**

*October 31, 2001* - **Dodge City, Kansas**

*November 1, 2001* - **Wichita, Kansas**

For more information and registration forms, contact KSU Pollution Prevention Institute at 1-800- 578-8898 or log on to their Web site at [www.sbeap.org](http://www.sbeap.org).

## We're Moving

**The first part of October, the Bureau of Waste Management is moving into the new Signature Building in downtown Topeka. Although our phone numbers will remain the same, our new mailing address will be:**

**1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366**

### Important Hazardous Waste (HW) Program Phone Numbers

#### KDHE - Bureau of Waste Management

**Director** ..... Bill Bider ..... 785/296-1612  
EPA ID numbers ..... David Branscum ..... 785/296-6898  
HW Complaints ..... Lynda Ramsey ..... 785/296-0681  
HW Reg Info ..... George McCaskill ..... 785/296-1608  
HW Generator Info ..... Ron Smith ..... 785/296-1604  
HW Transporter Info ..... Linda Prockish ..... 785/296-0005  
Newsletter Contact ..... Mary Bitney ..... 785/296-1603  
**KDHE Public Advocate** ..... Janet Neff ..... 785/296-0669

#### KDHE - District Office Inspectors

Northeast - Lawrence ..... 785/842-4600  
Southeast - Chanute ..... 620/431-2390  
North Central - Salina ..... 785/827-9639  
South Central - Wichita ..... 316/337-6020  
Northwest - Hays ..... 785/625-5663  
Southwest - Dodge City ..... 620/225-0596  
**KSU Pollution Prevention** ..... 785/532-6501  
or toll free for long distance ..... 800/578-8898